

Dowell.	Metcalf.
Duvall.	Moffett.
Dwyer.	Nicholson.
Engelhard.	Olsen.
Ferguson.	O'Quinn.
Fisher.	Petsch.
Grogan.	Pope.
Harrison	Ramsey.
of Waller.	Reader.
Hines.	Scott.
Holder.	Smith of Bastrop.
Jones of Shelby.	Stevenson.
Kayton.	Terrell
Lasseter.	of Cherokee.
Lemens.	Terrell
Leonard.	of Val Verde.
McGregor.	Towery.
Martin.	Westbrook.

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Cunningham.	Patterson.
Dunlap.	Vaughan.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Harrison of El Paso:

H. B. No. 41, A bill to be entitled "An Act to amend Article 7065a, Section 17, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, as amended by the Regular Session of the Forty-second Legislature, by adding a new section thereto to be known as Section 12, which allows a person, firm, corporation or association engaged wholly, or in part, in the business of shipping gasoline without the State to qualify as a distributor and purchase gasoline free of tax when a certified copy of the permit is filed with the seller, together with an affidavit stating in substance that such gasoline is to be used in shipments to a destination or destinations beyond the borders of the State of Texas, but requiring such distributor to make the reports now required by law upon all gasoline purchased free of the tax, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Farmer:

H. B. No. 42, A bill to be entitled "An Act to amend Article 7047 of the

Revised Civil Statutes of Texas of 1925, by adding thereto a new subdivision to be numbered '40—Branch or Chain Stores;' providing for the levying and collecting an annual occupation tax of \$100 for each store in excess of one, operated or maintained in this State under the same general management, supervision, or ownership, by any person, firm, association, partnership, or corporation, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Finn and Mr. Reader:

H. B. No. 43, A bill to be entitled "An Act repealing Sections 11, 12, 13, 14 and 15, of House bill No. 536, Acts of the Forty-second Legislature, Chapter 212, page 355, Laws of the Regular Session of the Forty-second Legislature, relating to an occupation tax on dealers in cigarettes, providing that nothing herein shall be construed to affect said law in any other particular, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

ADJOURNMENT.

On motion of Mr. Morse, the House, at 5:20 o'clock p. m., adjourned until 9 o'clock a. m., Wednesday, August 5.

APPENDIX.

STANDING COMMITTEE REPORTS.

The Committee on Revenue and Taxation filed a favorable report on House bill No. 40.

The Committee on Conservation and Reclamation filed a favorable report on House bill No. 31.

TWELFTH DAY.

(Wednesday, August 5, 1931.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present:

Mr. Speaker.	Adkins.
Adams of Harris.	Akin.
Adams of Jasper.	Albritton.
Adamson.	Alsop.

Anderson.	Johnson
Baker.	of Dimmit.
Barron.	Johnson of Morris.
Beck.	Jones of Shelby.
Bedford.	Jones of Atascosa.
Bond.	Justiss.
Bounds.	Keller.
Boyd.	Kennedy.
Brice.	Laird.
Brooks.	Lasseter.
Bryant.	Lee.
Burns of Walker.	Lemens.
Burns	Leonard.
of McCulloch.	Lilley.
Carpenter.	Lockhart.
Caven.	Long.
Claunch.	McCombs.
Coltrin.	McDougald.
Cox of Lamar.	McGill.
Cox of Limestone.	McGregor.
Cunningham.	Magee.
Daniel.	Mathis.
Davis.	Metcalfe.
DeWolfe.	Moffett.
Dodd.	Morse.
Donnell.	Munson.
Dowell.	Murphy.
Dunlap.	Nicholson.
Duvall.	Olsen.
Dwyer.	O'Quinn.
Elliott.	Petsch.
Englehard.	Ramsey.
Farmer.	Ratliff.
Farrar.	Ray.
Ferguson.	Reader.
Finn.	Richardson.
Fisher.	Rogers.
Forbes.	Rountree.
Ford.	Sanders.
Fuchs.	Satterwhite.
Gilbert.	Savage.
Giles.	Scott.
Goodman.	Shelton.
Graves.	Sherrill.
Greathouse.	Smith of Wood.
Grogan.	Sparkman.
Hanson.	Stephens.
Hardy.	Steward.
Harman.	Strong.
Harrison	Sullivant.
of El Paso.	Tarwater.
Harrison	Terrell
of Waller.	of Cherokee.
Hatchitt.	Terrell
Herzik.	of Val Verde.
Hill.	Towery.
Hines.	Turner.
Holder.	Van Zandt.
Holland.	Vaughan.
Holloway.	Veatch.
Hoskins.	Wagstaff.
Howsley.	Walker.
Hubbard.	Warwick.
Hughes.	Weinert.
Jackson.	West of Coryell.
Johnson	West of Cameron.
of Dallam.	Westbrook.

Wiggs.	Young.
Wyatt.	

Absent.

Hefley.	Pope.
Kayton.	Smith of Bastrop.
Martin.	Stevenson.
Patterson.	

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Dale.	

A quorum was announced present.

Prayer was offered by the Rev. John W. Holt, Chaplain.

LEAVES OF ABSENCE
GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Westbrook for last Monday and Tuesday, on motion of Mr. Ford.

Mr. Dale for today, on motion of Mr. Jones of Atascosa.

The following members were granted leaves of absence on account of illness:

Mr. Mehl for today, on motion of Mr. Reader.

Mr. Grogan for yesterday, on motion of Mr. Lilley.

IN COMMITTEE OF THE WHOLE
HOUSE.

(Mr. Minor in the chair.)

On motion of Mr. Adkins, the House, at 9:10 o'clock a. m., resolved itself into a Committee of the Whole House for the purpose of considering bills relative to oil and gas conservation.

IN THE HOUSE.

(Mr. Minor in the chair.)

At 11:40 o'clock a. m., Mr. Minor, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave of the House to sit again at 2 o'clock p. m. today.

The Committee also reported the following proceedings:

The Chair laid before the Committee of the Whole House, for consideration at this time, House bill No. 25, relative to the conservation of oil and gas, with amendment by Mr. McGregor, pending.

(Pending consideration of the

amendment, Mr. Anderson occupied the chair temporarily.)

(Mr. Minor in the chair.)

Mr. Kennedy moved the previous question on the pending amendment and the bill, and the main question was ordered.

(Pending consideration of the amendment, Mr. Duvall and Mr. Burns of Walker occupied the chair temporarily.)

(Mr. Minor in the chair.)

Question recurring on the amendment by Mr. McGregor, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—26.

Akin.	Kennedy.
Baker.	Lasseter.
Barron.	Lockhart.
Bedford.	McGregor.
Daniel.	Magee.
Dodd.	Rogers.
Elliott.	Smith of Wood.
Farmer.	Terrell
Farrar.	of Cherokee.
Giles.	Turner.
Goodman.	Vaughan.
Hardy.	West of Cameron.
Harman.	Young.
Hoskins.	

Nays—101.

Mr. Speaker.	Dwyer.
Adams of Harris.	Ferguson.
Adams of Jasper.	Finn.
Adamson.	Fisher.
Adkins.	Forbes.
Albritton.	Ford.
Alsup.	Fuchs.
Anderson.	Gilbert.
Beck.	Graves.
Bounds.	Greathouse.
Boyd.	Grogan.
Brice.	Harrison
Brooks.	of El Paso.
Bryant.	Hatchitt.
Burns of Walker.	Herzik.
Burns	Hill.
of McCulloch.	Hines.
Carpenter.	Holder.
Caven.	Holland.
Claunch.	Holloway.
Coltrin.	Howsley.
Cox of Lamar.	Hubbard.
Cox of Limestone.	Hughes.
Cunningham.	Jackson.
Davis.	Johnson
DeWolfe.	of Dallam.
Donnell.	Johnson
Dowell.	of Dimmit.
Dunlap.	Johnson of Morris.

Jones of Shelby.	Richardson.
Justiss.	Rountree.
Keller.	Sanders.
Laird.	Satterwhite.
Lee.	Savage.
Lemens.	Scott.
Leonard.	Shelton.
Long.	Sherrill.
McCombs.	Sparkman.
McDougald.	Stephens.
McGill.	Steward.
Mathis.	Strong.
Metcalfe.	Sullivant.
Moffett.	Tarwater.
Morse.	Terrell
Munson.	of Val Verde.
Murphy.	Van Zandt.
Nicholson.	Veatch.
Olsen.	Wagstaff.
O'Quinn.	Walker.
Petsch.	Warwick.
Ramsey.	Weinert.
Ratliff.	West of Coryell.
Ray.	Wyatt.
Reader.	

Present—Not Voting.

Wiggs.

Absent.

Bond.	Lilley.
Duvall.	Martin.
Engelhard.	Patterson.
Hanson.	Pope.
Harrison	Smith of Bastrop.
of Waller.	Stevenson.
Hefley.	Towery.
Jones of Atascosa.	Westbrook.
Kayton.	

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Dale.	

Mr. Petsch moved that House bill No. 25 be reported to the House with the recommendation that it do pass as amended.

The motion prevailed by the following vote:

Yeas—111.

Mr. Speaker.	Bryant.
Adams of Harris.	Burns of Walker.
Adams of Jasper.	Burns
Adamson.	of McCulloch.
Adkins.	Carpenter.
Albritton.	Caven.
Alsup.	Claunch.
Anderson.	Coltrin.
Beck.	Cox of Lamar.
Bounds.	Cox of Limestone.
Boyd.	Cunningham.
Brice.	DeWolfe.
Brooks.	Dodd.

Donnell.	McDougald.
Dowell.	McGill.
Dunlap.	Magee.
Dwyer.	Mathis.
Elliott.	Metcalfe.
Englehard.	Moffett.
Ferguson.	Morse.
Finn.	Munson.
Fisher.	Murphy.
Forbes.	Nicholson.
Ford.	Olsen.
Fuchs.	O'Quinn.
Gilbert.	Petsch.
Giles.	Ramsey.
Goodman.	Ratliff.
Graves.	Ray.
Greathouse.	Reader.
Grogan.	Richardson.
Hanson.	Rountree.
Harrison	Sanders.
of El Paso.	Satterwhite.
Hatchitt.	Savage.
Herzik.	Scott.
Hill.	Shelton.
Hines.	Sherrill.
Holder.	Smith of Wood.
Holland.	Sparkman.
Holloway.	Stephens.
Howsley.	Steward.
Hubbard.	Strong.
Hughes.	Tarwater.
Jackson.	Terrell
Johnson	of Cherokee.
of Dallam.	Terrell
Johnson	of Val Verde.
of Dimmit.	Van Zandt.
Johnson of Morris.	Veatch.
Jones of Shelby.	Wagstaff.
Justiss.	Walker.
Keller.	Warwick.
Laird.	Weinert.
Lee.	West of Coryell.
Lemens.	West of Cameron.
Leonard.	Wyatt.
Long.	Young.
McCombs.	

Nays—17.

Baker.	Kennedy.
Barron.	Lasseter.
Bedford.	Lockhart.
Daniel.	McGregor.
Farmer.	Rogers.
Farrar.	Sullivant.
Hardy.	Turner.
Harman.	Vaughan.
Hoskins.	

Present—Not Voting.

Wiggs.

Absent.

Akin.	Harrison
Bond.	of Waller.
Davis.	Hefley.
Duvall.	Jones of Atascosa.

Kayton.	Smith of Bastrop.
Lilley.	Stevenson.
Martin.	Towery.
Patterson.	Westbrook.
Pope.	

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Dale.	

At 11:40 o'clock a. m., Mr. Johnson of Dimmit moved that the Committee rise, report progress, and ask leave of the House to sit again at 2 o'clock p. m. today.

The motion prevailed by the following vote:

Yeas—83.

Adams of Harris.	Keller.
Adams of Jasper.	Kennedy.
Adamson.	Lee.
Albritton.	Lemens.
Alsup.	Long.
Anderson.	McCombs.
Beck.	McDougald.
Bounds.	McGill.
Boyd.	Magee.
Brice.	Mathis.
Carpenter.	Moffett.
Claunch.	Morse.
Coltrin.	Munson.
Cox of Lamar.	Murphy.
DeWolfe.	Nicholson.
Donnell.	Olsen.
Dowell.	O'Quinn.
Dwyer.	Petsch.
Farmer.	Ramsey.
Finn.	Ratliff.
Fisher.	Ray.
Forbes.	Reader.
Ford.	Richardson.
Graves.	Rountree.
Grogan.	Sanders.
Hanson.	Savage.
Harrison	Shelton.
of El Paso.	Sherrill.
Hatchitt.	Sparkman.
Herzik.	Stephens.
Hill.	Steward.
Hines.	Strong.
Holder.	Terrell
Holland.	of Cherokee.
Howsley.	Van Zandt.
Hubbard.	Veatch.
Hughes.	Wagstaff.
Jackson.	Walker.
Johnson	Warwick.
of Dimmit.	Weinert.
Johnson of Morris.	West of Coryell.
Jones of Shelby.	Wiggs.
Justiss.	Wyatt.

Nays—41.

Adkins.	Akin.
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Baker.	Hoskins.
Barron.	Johnson
Brooks.	of Dallam.
Bryant.	Jones of Atascosa.
Burns of Walker.	Laird.
Burns	Lasseter.
of McCulloch.	Leonard.
Cox of Limestone.	Lockhart.
Cunningham.	McGregor.
Daniel.	Metcalfe.
Davis.	Satterwhite.
Dodd.	Scott.
Elliott.	Smith of Wood.
Engelhard.	Sullivant.
Farrar.	Tarwater.
Ferguson.	Terrell
Gilbert.	of Val Verde.
Giles.	Turner.
Goodman.	Vaughan.
Greathouse.	West of Cameron.
Hardy.	Young.

Absent.

Bedford.	Kayton.
Bond.	Lilley.
Caven.	Martin.
Dunlap.	Patterson.
Duvall.	Pope.
Fuchs.	Rogers.
Harman.	Smith of Bastrop.
Harrison	Stevenson.
of Waller.	Towery.
Hefley.	Westbrook.
Holloway.	

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Dale.	

Signed—Fred H. Minor, Chairman
of the Committee of the Whole House.

BILL ORDERED PRINTED IN MIMEOGRAPH FORM.

On motion of Mr. Johnson of Dimmit, House bill No. 25 was ordered printed in mimeograph form and not otherwise printed.

BILL SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 20, "An Act to amend Section 1 of House bill No. 818, Chapter 319, Acts of the Forty-second Legislature, Regular Session, 1931, page 834, Session Laws, conferring upon all counties adjacent to the Gulf of Mexico the right of eminent domain where land, right of way or easement or dumping ground privileges

are necessary to be secured for the construction of an intracoastal canal; providing for the institution of such proceedings in the name of the county, and that the assessing of damages shall be in conformity to the statutes of the State of Texas for the condemning and acquiring right of way by railroads; and providing that no appeal shall cause suspension of work, and that counties shall not be required to give appeal bond or bond for costs; and authorizing the commissioners courts of such counties to issue warrants bearing interest not exceeding six per cent (6%) per annum, to be used in the payment either by outright purchase or after condemnation proceedings of lands for right of way or easements and dumping ground purposes for an intracoastal canal, and declaring an emergency."

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Reader, Mr. Hubbard, Mr. Finn, Mr. Johnson of Dimmit, Mr. Weinert, and Mr. Holder:

H. B. No. 44, A bill to be entitled "An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this State; prescribing the license and filing fees to be paid therefor and the disposition thereof, and the powers and duties of the Comptroller of Public Accounts in connection therewith, and prescribing penalties for the violation thereof."

Referred to Committee on Revenue and Taxation.

By Mr. Van Zandt, Mr. Adamson, and Mr. Barron:

H. B. No. 45, A bill to be entitled "An Act amending Article 2350, Revised Civil Statutes of 1925, as amended by Chapter 290, General and Special Laws, passed at the Regular Session of the Fortieth Legislature, as amended by Chapter 46, General and Special Laws, passed at the First Called Session of the Fortieth Legislature, fixing the compensation of county commissioners according to assessed valuations, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Metcalfe and Mr. Scott:

H. B. No. 46, A bill to be entitled "An Act amending Chapter 239, Special Laws of the Regular Session of the Forty-second Legislature of the State of Texas, so as to change the dates of convening the district court in Mitchell county of the Thirty-second Judicial District of Texas, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Johnson of Dimmit, Mr. Weinert, and Mr. Hubbard:

H. B. No. 47, A bill to be entitled "An Act to authorize the assignment and transfer of any tax liens levied by the State of Texas and for any county, municipality, school district or any other political subdivision of the State; providing for the issuance of tax certificates evidencing the transferred tax obligation; providing means for the collection of such tax certificates; the rate of interest for such obligations; the time of payment; the time for filing; filing fees, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Savage:

H. B. No. 48, A bill to be entitled "An Act to validate all ad valorem tax levies and assessments heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization or where the city council, city commission or other governing body of such incorporated city or town have acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

RECESS.

On motion of Mr. Long, the House, at 11:50 o'clock a. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

IN COMMITTEE OF THE WHOLE HOUSE.

(Mr. Minor in the chair.)

On motion of Mr. Morse, the House, at 2:05 o'clock p. m., resolved itself into a Committee of the Whole House for the purpose for considering bills relative to oil and gas conservation.

IN THE HOUSE.

(Mr. Minor in the chair.)

At 2:45 o'clock p. m., Mr. Minor, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave of the House to sit again at the pleasure of the House.

The Committee also reported the following proceedings:

The Chairman of the Committee of the Whole House laid before the Committee, for consideration at this time, the following bill:

H. B. No. 19, A bill to be entitled "An Act to amend Chapter 36 of the Fifth Called Session of the Forty-first Legislature, and particularly Section 11 thereof, and by adding Section 11a and Section 11b thereto, enlarging the powers and duties of the Railroad Commission of Texas with reference to conservation, transportation, storage and purchase of petroleum and its products in this State; designating as public utilities the owners, operators and managers of oil storage tanks and storage facilities for the public hire; forbidding discrimination by such public utilities; providing for a bond to be filed by such public utilities; giving to the Railroad Commission of Texas jurisdiction over rates, rules and regulations governing the storage of crude petroleum and its products by such public utilities, the character of facilities to be furnished, the forms of receipts to be issued, and the inspection, grading, measurement, deductions for waste, deterioration and delivery by such utilities; giving such utilities a lien for charges; providing for the filing and posting of monthly statements by such public utilities, and by common carriers by pipe line;

vesting in the Railroad Commission of Texas jurisdiction to authorize and require common carriers by pipe line and public utilities, as defined by this act, to extend and enlarge their respective facilities under certain conditions, etc., and declaring an emergency."

Mr. Davis offered the following amendment to the bill:

Amend House bill No. 19 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Chapter 36 of the Acts of the Fifth Called Session of the Forty-first Legislature be amended by adding to Section 6 thereof a new section, to be known as Section 6a and to read as follows:

"Sec. 6a. The foregoing information shall be set out in each such statement separately as to crude petroleum and each refined product thereof.

"Sec. 2. Amend Section 8, Chapter 36, Acts of Fifth Called Session of the Forty-first Legislature, by adding thereto new sections, to be numbered and to read as follows:

"Sec. 8a. Likewise, every person, association of persons or corporation, now or hereafter engaged in the business of purchasing natural gas and/or residue gas and/or casinghead gas, and is likewise affiliated in any of the above described manners with a pipe line transporting gas and such gas pipe line is so constructed and/or operated as that, if it were similarly constructed and operated to transport petroleum oil, it would fall within the definition of a common carrier by pipe line, as now defined by law, and/or if such pipe line by any other test or law is a common carrier, or if such purchaser is itself such pipe line company, then, in any such event, such purchaser shall be a common purchaser of gas, and shall purchase gas in the same manner, under the same inhibitions against discriminations and subject to the same provisions as are now or may hereafter be set out with respect to common purchasers of oil.

"Sec. 8b. It shall be the duty of the Railroad Commission of Texas to see that the provisions of this act are fully complied with, and it shall have the power, after notice and hearing, to make rules, regulations and orders defining the distance that extensions or gathering lines shall be

made; to determine the open flow of oil or gas from wells and the amounts that shall be taken from each well in order to prevent the discrimination herein prohibited as between producers, and such other rules, regulations and orders as may be necessary to carry out the provisions of this act.

"Sec. 8c. The basis for all rates charged by common carriers by pipe lines within this State shall be such as will provide a fair return upon the aggregate value of the property of such carriers as a whole held for and used and useful in the services performed by such common carriers by pipe lines after providing for proper and reasonable operating expense under honest, efficient and economical management and after providing for a reasonable allowance for depreciation of equipment used and useful in the services performed. In determining the rate of depreciation, the Railroad Commission of Texas shall have due regard to the past and probable life of the equipment and probably life of the fields served. In determining what constitutes a fair return on such investments, the Commission shall give due consideration to the results of operations of all common carriers by pipe lines within this State for a period of three years next preceding the date of any inquiry it is making.

"Sec. 8d. Immediately after this act shall have become effective, it shall be the duty of the Railroad Commission of Texas to inquire into and determine the actual value (which shall include only the value of the properties necessarily used in the performing of services by common carrier pipe lines under honest, efficient and economical management) of all pipe lines now existing. The Railroad Commission shall likewise determine what in each instance is a reasonable amount of working capital for each pipe line. Likewise, hereafter the Railroad Commission shall inquire into and determine the necessary investment and working capital of all common carriers by pipe lines hereafter built within the State of Texas, and for the purposes of such inquiries the Railroad Commission of Texas, or any of its legally authorized agents, shall have the power to demand and obtain access to all of the books and records of all persons, corporations, firms and associations owning any common carriers

by pipe lines within this State, and to examine into all such books and records, and to require the attendance and testimony of witnesses at hearings held for the purpose of inquiring into such matters in the same manner as now provided by law for requiring the attendance and testimony of witnesses at hearings before the Railroad Commission.

"Sec. 8e. As quickly as the Railroad Commission of Texas can obtain such necessary information, it shall fix and establish rates for all common carriers by pipe lines within this State on the basis herein provided, and by rates is meant to include the charges made by common carriers by pipe lines for the character of service furnished by them, including transportation charges, both single and joint line, gathering charges, deduction for evaporation and shrinkage, demurrage or storage charges and every other character of charge provided for in a tariff; provided, that the Commission shall have reasonable latitude to modify, or adjust any particular rate which it may find to be unjust, or unreasonable, or discriminatory. In making, promulgating or altering any such rates or charges, the Railroad Commission of Texas shall give due consideration, among other things, to the transportation needs of the State, and the public convenience and necessity under honest, efficient and economical management of existing transportation facilities of enlarging such existing facilities in order to provide the people of the State of Texas with adequate facilities for transportation by pipe lines.

"Sec. 8f. Before establishing and promulgating any such rate, the Railroad Commission of Texas shall hold a hearing or hearings as to each common carrier by pipe line, and all such hearings shall be held pursuant to notice as provided by Article 6038 of the Revised Civil Statutes of Texas; and any order establishing, prescribing, or modifying any such rate or rates shall be issued only after hearing upon like notice as provided in said article.

"Sec. 8g. Any person or party at interest in the establishing, prescribing, promulgating or modifying any such rate who is aggrieved by any order of the Railroad Commission of Texas entered pursuant to this act may have such order reviewed by pro-

ceedings in the manner prescribed herein.

"Sec. 8h. When a rate shall have been fixed the Railroad Commission shall have the authority to revise such rate at any time, after hearing as hereinabove provided for. It shall likewise be the duty of the Railroad Commission of Texas to inquire into and revise where necessary, all rates on common carriers by pipe lines within this State each twelve months after the first rates provided for herein have been fixed and promulgated.

"Sec. 8i. The Railroad Commission, on application by any common carrier by pipe line, and after a hearing, shall have authority to permit such carrier by pipe line to lower its rate so as to operate on an equal basis with a competing carrier performing the same or a similar service.

"Sec. 8j. No common carriers by pipe line within this State shall hereafter abandon any of its connections or lines except under authority of a permit granted by the Railroad Commission. Before granting any such permit the Railroad Commission shall issue notice and have a hearing as now provided for in Section 6038 of the Revised Civil Statutes of Texas for 1925.

"Sec. 8k. Any person, association of persons or corporation, or the Attorney General of Texas on behalf of the State, may institute proceedings before the Railroad Commission, or apply for a hearing before said Commission, upon any question relating to the enforcement of this act, and jurisdiction is hereby conferred upon said Commission to hear and determine the same after the notice provided by Article 6038, Revised Civil Statutes of Texas. The Commission shall not make any order establishing, prescribing or modifying rates, rules or regulations, as herein provided, except upon like notice and hearing as provided in said Article 6038.

"Sec. 8l. If any party having an interest in any property directly affected by any rule, regulation or order promulgated by the Commission pursuant to this act, or, if any party whose conduct is regulated, affected or modified by any such rule, regulation or order, be dissatisfied with the same, such party may file suit in a court of competent jurisdiction in

Travis county, Texas, but not elsewhere against the Commission as sole defendant, setting forth in his petition his grounds of objection to such rule, regulation or order and praying for such relief as such party may deem proper. Such suit shall have precedence over all other suits, causes or proceedings of a different nature on the docket of said court and shall be tried and determined as other civil suits in said court. At any time on or after return date, or after answer is filed, on the request of any party to such suit, or on the court's own initiative and without other notice, the court shall set said suit for trial on such day as the court may fix, not later than ten (10) days thereafter; and on its date fixed such suit shall be begun unless such suit be postponed by the court for reasons deemed imperative by the court, which reasons shall be certified in writing to the court and filed with the papers in the suit. If the trial be so postponed, the postponement shall be for a day fixed not more than ten (10) days away, and if the suit is not then tried, its postponement, if any, shall be handled in the same manner as the first postponement, except that the date then fixed for the trial shall be not more than five (5) days away. In all trials under this section of this act the burden of proof shall be upon the party complaining of such rule, regulation or order. In all suits or other legal proceedings under this act in which the validity of any rule, regulation or order of the Commission may be brought in question, the said rule, regulation or order of the Commission shall, prima facie, be deemed valid until shown to be invalid, and must be obeyed. In any suit brought against the Commission under this section, unless and until the Commission be enjoined and bond given, as hereinafter in this section provided, the Commission shall be entitled, on motion filed in such suit, to an injunction to require complainant to obey such rule, regulation or order pendente lite, and it shall be the duty of the Commission to apply for such injunction. Such injunction shall continue in effect unless and until complainant shall obtain injunction and make bond, as hereinafter in this section provided. No temporary restraining order nor temporary injunction against the Commission, its

officers or agents, or against the enforcement of any rule, regulation or order made by the Commission, shall ever be granted or ordered by any court, except after reasonable notice to the Commission and a hearing at which it shall be clearly shown to the court that the rule, regulation or order is invalid and that, if enforced against the complaining party it will cause such party irreparable damage. The nature and extent of such invalidity and damage must be established by evidence, unless apparent of record, and must be recited in the order. Before any such restraining order or temporary injunction shall take effect, the complainant must make bond with good and sufficient sureties in an amount to be fixed by the court sufficient reasonably to indemnify all persons who may suffer damage by reason of the violation, by such complainant, of the rule, regulation or order complained of. Such bond shall be made payable to, and be approved by, the judge of said court and shall be for the use and benefit of, and may be sued on by, all persons who may suffer damage by reason of the violation by such complaining party of the rule, regulation or order complained of, and who may bring suit thereon before the expiration of six months after the rule, regulation or order complained of shall be finally held to be valid in whole or in part, or such suit against the Commission be finally dismissed and such bond shall be so conditioned. From time to time on motion the court may increase or decrease the amount of such bond, and may require new or additional sureties as the facts may warrant or justify. If, on the trial of such suit, the rule, regulation or order complained of be upheld in the trial court, in whole or in part, the judgment or decree of that court shall itself, without more, constitute an injunction restraining the complainant from violating such rule, regulation or order or so much thereof as shall have been so held valid, and a dissolution of all temporary restraining orders or temporary injunctions theretofore granted in such suit, if any, which are inconsistent with such judgment or decree and such effects of said judgment or decree shall not be stayed by any appeal or supersedeas or stay order of any kind unless nor until on appeal such judgment or decree of the trial court be

finally reversed, and then only to the extent that such reversal shall modify or annul the judgment or decree of the trial court. Either party to said suit has the right of appeal from the final judgment therein and said appeal shall at once be returnable to the appellate court over all cases, proceedings and causes of a different character therein pending. In the Court of Civil Appeals such court shall certify to the Supreme Court all questions of law necessary to a determination of said cause where such questions of law have not been determined previously by the Supreme Court and said cause, as constituted by the certificate from the Court of Civil Appeals, shall have precedence in the Supreme Court over all cases, proceedings and causes of a different character in such court. The judgment of the Court of Civil Appeals, entered conformable to the answer of the Supreme Court to such certified questions, shall be final and no writ of error shall lie therefrom to the Supreme Court. Section 6 of Chapter 313 of the Acts of the Forty-first Legislature at its Regular Session and all other laws and parts of laws in conflict with the provisions of this section are hereby repealed.

"Sec. 8m. For violation of any provision of this act, or for the violation of any valid rule or regulation promulgated hereunder, or any order passed by the Railroad Commission in pursuance of any such provision, rule or regulation, such a person, association of persons or corporation shall be subject to a penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) for each offense, recoverable in the name of the State, and each day of such violation shall constitute a separate offense. Likewise, a similar penalty may be recovered by and for the use of any person, association of persons or corporation against whom there shall have been an unlawful discrimination as herein defined, such suit to be brought in the name of and for the use of the party or parties aggrieved.

"Sec. 8n. Whenever it shall appear that any party engaged in the storage or transportation of crude petroleum oil or natural gas, or in the purchase of crude petroleum oil or natural gas as common purchasers, as such terms are hereinbefore defined, is violating any statute of this State, or any rule, regulation or order

of the Commission promulgated in pursuance of this act, the Commission shall bring suit against such party in any court of competent jurisdiction in Travis county, Texas, or in the county of the residence of the defendants, or any of them, or in the county where such violation is alleged to have occurred; and it shall be the duty of the Commission to apply for injunction to restrain such party from violating such statute, rule, regulation or order, or any part thereof, and in such suit the Commission may obtain such temporary restraining order or temporary or final injunction as the facts may warrant. Such injunction shall continue in effect unless and until complainant shall obtain injunction and make bond as above provided.

"Sec. 8o. Whenever any order, rule or regulation promulgated by the Commission has been finally adjudged to be valid, in whole or in part, in any suit to which the Commission is a party, and thereafter any party to the suit or other proceedings in which such matter has been so adjudged, shall violate such rule, regulation, order or judgment, or shall suffer any property owned or controlled by him to be used in violation of any such rule, regulation, order or judgment, the Commission shall have the power, and it shall be its duty, to make application to the judge of the trial court, setting out such rule, regulation, order or judgment and that such party, subsequent to the date of such judgment, has violated or is violating such rule, regulation, order or judgment, and praying that a receiver be appointed as provided in this section. Thereupon the judge of such trial court may, after notice, appoint a receiver of the property involved or used in violating such rule, regulation, order or judgment, and shall fix a proper bond for such receiver. As soon as such receiver has qualified, he shall take possession of such property, and such receiver thereafter shall perform his duties as receiver of such property, under the orders of said court, strictly observing such rule, regulation, order or judgment. Any party whose property has been so placed in the hands of a receiver may move to dissolve such receivership and discharge the receiver only upon showing that such party has not willfully violated nor suffered property owned or controlled by him to be used in violating such

rule, regulation, order or judgment or upon other good cause shown. In its discretion such court may, before dissolving such receivership or discharging such receiver, require the party applying for such dissolution or discharge to give bond in such amount, and payable, conditioned and approved, and for the use and benefit of the parties and to be sued on within the time, as provided with reference to bond for injunction to be given by complainant as provided herein.

"Sec. 3. There is hereby appropriated to the Railroad Commission of Texas, for its use in complying with this act, an additional sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, out of the money raised each year from the tax collected by virtue of Article 6032, Revised Civil Statutes of 1925, and if the money so raised by said tax is insufficient to pay this appropriation therefrom, then the balance of this appropriation shall be paid out of the general revenue not otherwise appropriated.

"Sec. 4. The invalidity of any section of this act, or part thereof, shall not affect the remainder of said act, and it is hereby declared that the Legislature would have passed any section or provision hereof independently of all other sections or provisions.

"Sec. 5. This act shall be construed as in addition to and cumulative of all other laws now in force and is not to be construed as any impairment of or a limitation of any law now in force.

"Sec. 6. The fact that the regulatory laws of this State have not been enforced, and that the penalties and remedies for the enforcement thereof have been uncertain, and that there is existing discrimination and virtual monopoly in such business, constitutes an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect immediately upon its passage, and it is so enacted."

The amendment was adopted.

Mr. Young offered the following amendment to the bill:

Amend House bill No. 19 by striking out all above the enacting clause and inserting in lieu thereof the following:

H. B. No. 19, A bill to be entitled "An Act to amend Chapter 36 of the Acts of the Fifth Called Session of the Forty-first Legislature of Texas by adding thereto Sections 6a, and 8a, 8b, 8c, 8d, 8e, 8f, 8g, 8h, 8i, 8j, 8k, 8l, 8m, 8n and 8o, requiring that monthly pipe line statements shall contain data separately as to crude oil and each refined product; by defining common purchasers of gas and making the provisions hereof and of said act applicable to them; requiring the Railroad Commission of Texas to make rules and regulations to the enforcement of said act and hereof; providing a basis for pipe line rates, and requiring said Commission to fix and enforce such rates, providing for notice, hearing and proceedings for review of all orders issued by the Commission hereunder, and for injunctions and other legal proceedings; providing for penalties and their recovery; appropriating funds for the enforcement hereof; declaring each part hereof independent of every other part so that partial invalidity shall not affect valid parts, and declaring an emergency."

YOUNG,
DAVIS,
WAGSTAFF,
LONG,
PETSCH.

The amendment was adopted.

On motion of Mr. Davis, House bill No. 19 was reported to the House with recommendation that it do pass as amended.

At 2:45 o'clock p. m., Mr. Long moved that the Committee rise, report progress and ask leave of the House to sit again after the House has considered House bill No. 19.

The motion prevailed.

Signed—Fred H. Minor, Chairman of the Committee of the Whole House.

HOUSE BILL NO. 19 ON SECOND READING.

On motion of Mr. Davis (by unanimous consent), the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 19, A bill to be entitled "An Act to amend Chapter 36 of the Fifth Called Session of the Forty-first Legislature, and particularly Section 11, thereof, and by adding

Section 11a and Section 11b thereto, enlarging the powers and duties of the Railroad Commission of Texas with reference to conservation, transportation, storage and purchase of petroleum and its products in this State; designating as public utilities the owners, operators and managers of oil storage tanks and storage facilities for the public hire; forbidding discrimination by such public utilities; providing for a bond to be filed by such public utilities; giving to the Railroad Commission of Texas jurisdiction over rates, rules and regulations governing the storage of crude petroleum and its products by such public utilities, the character of facilities to be furnished, the forms of receipts to be issued, and the inspection, grading, measurement, deductions for waste, deterioration and delivery by such utilities; giving such utilities a lien for charges, etc."

The Speaker laid the bill before the House, and it was read second time.

On motion of Mr. Satterwhite (by unanimous consent), the House agreed to consider the mimeograph bill in lieu of the printed bill.

Mr. Davis offered the amendment which was adopted by the Committee of the Whole House.

Mr. Farrar offered the following amendment to the (committee) amendment:

Amend the amendment by changing the period to a semi-colon, in line 30, page 2, immediately following the word "performed" by adding the following words: "and may further consider the element of hazards and other proper factors in the business of building, extending and maintaining pipe lines into any particular field."

The amendment was lost.

Mr. Young offered the following amendment to the (committee) amendment:

Amend amendment to House bill No. 19, page 2, lines 25 and 29, by striking out "and" between "used" and "useful" in said lines and insert the following: "and/or."

On motion of Mr. Hardy, the amendment was tabled.

The committee amendment was then adopted.

Mr. Young offered the amendment to the caption which was adopted by the Committee of the Whole House.

The amendment by Mr. Young was adopted.

House bill No. 19 was then passed to engrossment.

HOUSE BILL NO. 19 ON THIRD READING.

Mr. Satterwhite moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114.

Adams of Jasper.	Harman.
Adamson.	Harrison
Adkins.	of Waller.
Akin.	Herzik.
Albritton.	Hill.
Alsup.	Hines.
Baker.	Holder.
Barron.	Holland.
Beck.	Holloway.
Bond.	Howsley.
Bounds.	Hughes.
Boyd.	Jackson.
Brice.	Johnson
Bryant.	of Dimmit.
Burns of Walker.	Johnson of Morris.
Burns	Jones of Shelby.
of McCulloch.	Jones of Atascosa.
Carpenter.	Justiss.
Caven.	Keller.
Claunch.	Kennedy.
Coltrin.	Laird.
Cox of Lamar.	Lee.
Cunningham.	Lemens.
Daniel.	Lilley.
Davis.	Long.
DeWolfe.	McCombs.
Dodd.	McGill.
Donnell.	Magee.
Dowell.	Mathis.
Dwyer.	Metcalfe.
Elliott.	Moffett.
Engelhard.	Morse.
Farmer.	Munson.
Farrar.	Murphy.
Ferguson.	Nicholson.
Finn.	Olsen.
Fisher.	O'Quinn.
Forbes.	Petsch.
Ford.	Ramsey.
Fuchs.	Ratliff.
Gilbert.	Ray.
Giles.	Richardson.
Goodman.	Rogers.
Graves.	Rountree.
Greathouse.	Sanders.
Grogan.	Satterwhite.
Hanson.	Savage.
Hardy.	Scott.

Shelton.	Towery.
Sherrill.	Van Zandt.
Smith of Wood.	Vaughan.
Sparkman.	Veatch.
Stephens.	Wagstaff.
Steward.	Walker.
Strong.	Warwick.
Sullivant.	Weinert.
Tarwater.	West of Coryell.
Terrell	Wiggs.
of Val Verde.	Young.

Nays—1.

Lockhart.

Absent.

Adams of Harris.	Lasseter.
Anderson.	Leonard.
Bedford.	McDougald.
Brooks.	McGregor.
Cox of Limestone.	Martin.
Dunlap.	Patterson.
Duvall.	Pope.
Harrison	Reader.
of El Paso.	Smith of Bastrop.
Hatchitt.	Stevenson.
Hefley.	Terrell
Hoskins.	of Cherokee.
Hubbard.	Turner.
Johnson	West of Cameron.
of Dallam.	Westbrook.
Kayton.	Wyatt.

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Dale.	

The Speaker then laid House bill No. 19 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—114.

Adamson.	Cunningham.
Adkins.	Daniel.
Akin.	Davis.
Albritton.	DeWolfe.
Alsup.	Dodd.
Baker.	Donnell.
Barron.	Dowell.
Beck.	Elliott.
Bond.	Englehard.
Bounds.	Farmer.
Boyd.	Ferguson.
Brice.	Finn.
Bryant.	Fisher.
Burns of Walker.	Forbes.
Burns	Ford.
of McCulloch.	Fuchs.
Carpenter.	Gilbert.
Caven.	Giles.
Claunch.	Goodman.
Coltrin.	Graves.
Cox of Lamar.	Greathouse.

Grogan.	Olsen.
Hanson.	O'Quinn.
Hardy.	Ramsey.
Harman.	Ratliff.
Harrison	Ray.
of Waller.	Richardson.
Herzik.	Rogers.
Hill.	Rountree.
Hines.	Sanders.
Holder.	Satterwhite.
Holland.	Savage.
Holloway.	Scott.
Hoskins.	Shelton.
Howsley.	Sherrill.
Hubbard.	Smith of Wood.
Hughes.	Sparkman.
Jackson.	Stephens.
Johnson	Steward.
of Dimmit.	Strong.
Johnson of Morris.	Sullivant.
Jones of Shelby.	Tarwater.
Jones of Atascosa.	Terrell
Justiss.	of Cherokee.
Keller.	Terrell
Kennedy.	of Val Verde.
Laird.	Towery.
Lasseter.	Turner.
Lee.	Vaughan.
Lemens.	Veatch.
Lilley.	Wagstaff.
Long.	Walker.
McCombs.	Warwick.
Magee.	Weinert.
Mathis.	West of Coryell.
Metcalf.	West of Cameron.
Moffett.	Westbrook.
Morse.	Wiggs.
Munson.	Young.
Murphy.	

Nays—5.

Farrar.	McGill.
Lockhart.	Van Zandt.
McDougald.	

Absent.

Adams of Harris.	Johnson of Dallam.
Adams of Jasper.	Kayton.
Anderson.	Leonard.
Bedford.	McGregor.
Brooks.	Martin.
Cox of Limestone.	Nicholson.
Dunlap.	Patterson.
Duvall.	Petsch.
Dwyer.	Pope.
Harrison	Reader.
of El Paso.	Smith of Bastrop.
Hatchitt.	Stevenson.
Hefley.	Wyatt.

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Dale.	

HOUSE BILL NO. 25 ON SECOND READING.

(By Unanimous Consent.)

On motion of Mr. Wagstaff, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 25, A bill to be entitled "An Act further prescribing the powers and duties of the Railroad Commission of Texas; further defining and prohibiting waste of oil and gas; amending Article 6014, Revised Civil Statutes of Texas, as amended by Chapter 313, Acts of 1929, Forty-first Legislature of the State of Texas; further defining physical waste, both underground and surface, and amending Article 6008, Revised Civil Statutes of 1925 of the State of Texas, requiring gas to be confined under the circumstances and conditions therein stated; providing for notice and hearing upon orders of said Commission; providing court procedure and for injunctions and appeals from said orders, and penalties for violating same; providing that if any part of this act shall be held unconstitutional, such holding shall not affect the remaining parts, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

On motion of Mr. Wagstaff, the House agreed to consider the mimeograph copy of the bill instead of the printed bill.

Mr. Morse moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 25, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Morse, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

Mr. Wagstaff offered the following (committee) amendments to the bill:

(1)

Amend House bill No. 25 by adding to and at the end of Section 5 the following paragraph: ,

"Any person, firm or corporation, pipe line carrier or other purchaser or carrier of crude oil who shall receive or purchase or take into its or their possession any oil produced in violation of the provisions of this act shall be liable in damages to any person, firm or corporation injured by such unlawful taking in double the amount of actual damages sustained or accruing thereby."

(2)

Amend House bill No. 25, page 5, line 2, by adding before the word "after" the following:

"Provided, that nothing in this act shall be construed as granting to the Commission any power or authority to restrict, or in any manner limit, the drilling of wells for the purpose of exploring for oil and/or gas in territory not known to produce either oil or gas."

(3)

Amend House bill No. 25 by adding a new section to be numbered Section 19, and renumbering the sections accordingly:

"Section 19. This act shall not amend, repeal, change, alter, or affect in any manner the anti-trust laws of this State."

(4)

Amend House bill No. 25 by adding at the end of Section 12 of the following sentence: "Proof of the issuance of the order, rule, etc., and of its violation shall establish prima facie plaintiff's right to damages, the amount thereof to be established by competent proof."

(5)

Amend House bill No. 25 by inserting the following sections immediately after Section 5:

"Section 5a. That whenever the full production from any common source of supply of crude petroleum in this State can only be obtained under conditions constituting waste as herein defined, then any operator, having the right to drill into and produce oil from any such common source of supply, may take therefrom only such proportion of all crude oil that may be produced therefrom without waste, as the potential production of the well or wells of any such operator bears to the total potential pro-

duction of such common source of supply, having due regard to the acreage drained by each well. Any purchaser of crude petroleum from any such common source of supply covered by this section shall be bound by the provisions hereof; and, where ratable taking shall be imposed under the conditions of this section, the production of crude petroleum owned or controlled either directly or indirectly by any such purchaser, shall be subject to the order for ratable taking, in the same manner and to the same extent as the production of any operator owning producing properties in said common source of supply. The Commission is hereby authorized to so regulate the taking of crude petroleum from any or all of the common sources of supply of this State as to prevent the inequitable or unfair taking from a common source of supply by any person, firm, or corporation, and to prevent unreasonable discrimination in favor of any one such common source of supply as against another.

"Section 5b. No producer or purchaser who operates a pipe line, or who transports oil through a common carrier pipe line or by railroad tank cars in this State, nor common carrier pipe line which does not purchase oil, but transports oil for hire, shall purchase, take or transport a greater percentage of oil from his or its own lease or from the seller or shipper from any lease than the available market offered the lessor or lessee on any other lease in the same pool; acreage and potential (or allowable in case of proration) are to be considered in arriving at the respective percentage of oil taken and oil for which there is an available market.

"Section 5c. Any oil operator in this State who is not producing and selling his percentage allowed under orders of the Railroad Commission, and who has no market for said allowable production, may extend a pipe line from his lease or producing tract of land to the pipe line of any purchaser or common carrier of oil operating in this State and said purchaser or common carrier of oil shall permit said connecting line so constructed to be tied into the pipe line or common carrier of oil of any said purchaser, and in the event the said purchaser or common carrier is unable or unwilling to equalize the outlet for such operator by purchasing from said pro-

ducer, who so constructed said tying line, an amount of oil sufficient to bring the sold percentage of the allowable of said producer up to the point where said sold percentage of the allowable of said producer equals the sold percentage of the allowable of any other producer whose oil, or oil produced by such other producer though sold to another, is transported by said common carrier pipe line, then in that event said common carrier or purchaser shall reduce the amount of oil purchased, taken and/or transported by it so that the percentage of the allowable of any producer's production carried or transported by it shall not exceed the percentage of the allowable of said producer constructing said tying line for which said tying producer has a market."

(6)

Amend the amendment by striking out the following clause in the last sentence in Section 5a, to-wit: "and to prevent unreasonable discrimination in favor of any one such common source of supply as against another."

(7)

Amend House bill No. 25 by adding at the end of Section 5 a new section, to be known as Section 5d and to read as follows:

"Sec. 5d. During any period that the Commission shall, by rule, regulation or order, require a reduction in or a proration of the production of any pool or area it shall, in making its allocations of oil to purchasers, first meet the requirements and bona fide offers to purchase with available transportation facilities, price offered being equal, of refineries located in the State before making allocations to purchasers of oil to be transported out of the State."

The amendments were severally adopted.

Mr. Wagstaff offered the following amendment to the bill:

Amend House bill No. 25, page 1, Section 1, by inserting after the word "waste" in line 20 the following: "as hereinafter defined."

The amendment was adopted.

Mr. Satterwhite offered the following amendment to the bill:

Amend the amendment to House bill No. 25, page 1, lines 29 and 30, by striking out the words: "provided,

however, this shall not be construed to mean economic waste."

SATTERWHITE,
VAN ZANDT.

On motion of Mr. Wagstaff, the amendment was tabled.

Mr. Long offered the following substitute for the amendment:

Amend House bill No. 25, page 1, lines 29 and 30, by striking out the words "this shall not be construed to mean economic waste," and insert in lieu thereof the following: "provided, no part of this act shall ever be construed to permit consideration to be given to market demand, and provided further, that no part of this act shall ever be construed to prevent storage of oil except for the prevention of physical waste thereof."

LONG
GRAVES,
HOLDER.

Mr. McCombs moved the previous question on the pending amendment, and the main question was ordered.

Question recurring on the amendment by Mr. Long, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—73.

Adams of Jasper.	Fuchs.
Adamson.	Graves.
Adkins.	Greathouse.
Akin.	Grogan.
Albritton.	Hanson.
Alsup.	Harrison
Anderson.	of Waller.
Baker.	Herzik.
Barron.	Holder.
Bond.	Jackson.
Bounds.	Jones of Shelby.
Boyd.	Justiss.
Brice.	Kennedy.
Brooks.	Laird.
Bryant.	Lasseter.
Burns of Walker.	Lee.
Burns	Lemens.
of McCulloch.	Leonard.
Carpenter.	Lilley.
Caven.	Lockhart.
Claunch.	Long.
Coltrin.	McGill.
Cox of Lamar.	Magee.
Daniel.	Petsch.
DeWolfe.	Ramsey.
Dowell.	Ratliff.
Duvall.	Ray.
Englehard.	Reader.
Ferguson.	Richardson.
Finn.	Rountree.

Sanders.
Satterwhite.
Stephens.
Strong.
Sullivant.
Tarwater.
Terrell
of Cherokee.

Terrell of Val Verde.
Towery.
Turner.
Van Zandt.
Veatch.
Wagstaff.
West of Coryell.
Wiggs.

Nays—52.

Beck.
Bedford.
Cox of Limestone.
Cunningham.
Davis.
Dodd.
Donnell.
Dwyer.
Elliott.
Farmer.
Farrar.
Fisher.
Forbes.
Ford.
Gilbert.
Giles.
Goodman.
Hardy.
Harman.
Hill.
Hines.
Holland.
Hoskins.
Howsley.
Hubbard.
Hughes.

Johnson of Morris.
Jones of Atascosa.
Keller.
McCombs.
McDougald.
Mathis.
Moffett.
Morse.
Munson.
Murphy.
Nicholson.
Olsen.
O'Quinn.
Patterson.
Rogers.
Scott.
Shelton.
Smith of Wood.
Sparkman.
Steward.
Vaughan.
Walker.
Warwick.
Weinert.
West of Cameron.
Westbrook.

Absent.

Adams of Harris.	Kayton.
Dunlap.	McGregor.
Harrison	Martin.
of El Paso.	Metcalfe.
Hatchitt.	Pope.
Hefley.	Savage.
Holloway.	Sherrill.
Johnson	Smith of Bastrop.
of Dallam.	Stevenson.
Johnson	Wyatt.
of Dimmit.	Young.

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Dale.	

Mr. Daniel offered the following amendment to the bill:

Amend House bill No. 25, page 5a, line 6, by striking out the words "well or wells" and inserting in lieu thereof the word "acreage."

On motion of Mr. Wagstaff, the amendment was tabled.

Mr. Donnell offered the following amendment to the bill:

Amend House bill No. 25, Section 2, page, mimeographed copy, line 6, after the words "all pools" add the following: "except that where the amount of natural gas required to lift one barrel of oil exceeds one cubic foot for each foot of depth in any given oil well. All natural gas used in excess of that amount shall either be repressured, used for some other purpose as may be authorized by the Commission as provided in Section 3 of this act, or else a penalty of five cents (5 cents) per one thousand (1000) cubic feet be assessed, it being optionary with the Commission as to which of the three provisions shall be made applicable."

On motion of Mr. Wagstaff, the amendment was tabled.

Mr. Donnell offered the following amendment to the bill:

Amend House bill No. 25 by adding another section, to be known as Section 2a, which will read as follows:

"Sec. 2a. It is assumed that the people of the State of Texas have an inherent right to a proportion of the underground mineral and natural resources of the State, such proportion to be designated from time to time by levy of taxes by the Legislature. It is hereby declared to be a waste of the State's mineral and natural resources for oil to be produced by any person, association of persons or corporations when the posted price for crude oil in the field where produced per barrel of forty-two gallons is not such as will yield to the State of Texas at least 2 cents per barrel."

The amendment was lost.

Mr. Donnell offered the following amendment to the bill:

Amend House bill No. 25, Section 5, at the end of the sentence giving the Commission the right to order reduction or adjustment in the production of oil or gas the following: "in taking into consideration the proper amount of oil production in one field, or in the State as a whole, the Commission shall always take into consideration the amount of crude oil that is being imported into the State of Texas at the time any proration order is made by the Commission."

Mr. Morse moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Donnell, it was lost.

House bill No. 25 was then passed to engrossment by the following vote:

Yeas—114.

Mr. Speaker.	Johnson of Morris.
Adams of Jasper.	Jones of Shelby.
Adamson.	Jones of Atascosa.
Adkins.	Justiss.
Albritton.	Keller.
Alsup.	Laird.
Anderson.	Lee.
Beck.	Lemens.
Bedford.	Leonard.
Bounds.	Lilley.
Boyd.	Long.
Brice.	McCombs.
Brooks.	McDougald.
Bryant.	McGill.
Burns of Walker.	Magee.
Burns	Martin.
of McCulloch.	Mathis.
Carpenter.	Metcalfe.
Caven.	Moffett.
Claunch.	Morse.
Coltrin.	Munson.
Cox of Lamar.	Murphy.
Cox of Limestone.	Nicholson.
Cunningham.	Olsen.
Daniel.	O'Quinn.
Davis.	Patterson.
DeWolfe.	Ramsey.
Donnell.	Ratliff.
Dowell.	Ray.
Dunlap.	Reader.
Duvall.	Richardson.
Dwyer.	Rountree.
Ferguson.	Sanders.
Finn.	Satterwhite.
Fisher.	Savage.
Forbes.	Scott.
Ford.	Shelton.
Gilbert.	Sherrill.
Giles.	Smith of Wood.
Goodman.	Sparkman.
Graves.	Stephens.
Greathouse.	Steward.
Grogan.	Strong.
Hanson.	Sullivant.
Harrison	Tarwater.
of El Paso.	Terrell
Herzik.	of Cherokee.
Hill.	Terrell
Hines.	of Val Verde.
Holder.	Turner.
Holland.	Van Zandt.
Holloway.	Veatch.
Hoskins.	Wagstaff.
Howsley.	Walker.
Hubbard.	Warwick.
Hughes.	Weinert.
Jackson.	West of Coryell.
Johnson	West of Cameron.
of Dallam.	Westbrook.
Johnson of Dimmit.	

Nays—16.

Akin.	Harman.
Baker.	Kennedy.
Bond.	Lasseter.
Dodd.	Lockhart.
Elliott.	Rogers.
Farmer.	Towery.
Farrar.	Vaughan.
Hardy.	Young.

Present—Not Voting.

Wiggs.

Absent.

Adams of Harris.	Kayton.
Barron.	McGregor.
Engelhard.	Petsch.
Fuchs.	Pope.
Harrison	Smith of Bastrop.
of Waller.	Stevenson.
Hatchitt.	Wyatt.
Hefley.	

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Dale.	

HOUSE BILL NO. 25 ON THIRD
READING.

Mr. Wagstaff moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 25 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—126.

Mr. Speaker.	Cunningham.
Adams of Jasper.	Daniel.
Adamson.	Davis.
Adkins.	DeWolfe.
Akin.	Donnell.
Albritton.	Dowell.
Alsup.	Dunlap.
Anderson.	Duvall.
Baker.	Dwyer.
Barron.	Englehard.
Beck.	Farrar.
Bedford.	Ferguson.
Bounds.	Finn.
Boyd.	Fisher.
Brice.	Forbes.
Brooks.	Ford.
Bryant.	Fuchs.
Burns of Walker.	Gilbert.
Burns	Giles.
of McCulloch.	Goodman.
Carpenter.	Graves.
Caven.	Greathouse.
Claunch.	Grogan.
Coltrin.	Hanson.
Cox of Lamar.	Hardy.
Cox of Limestone.	Harman.

Harrison	Murphy.
of El Paso.	Nicholson.
Harrison	Olsen.
of Waller.	O'Quinn.
Herzik.	Patterson.
Hill.	Petsch.
Hines.	Ramsey.
Holder.	Ratliff.
Holland.	Ray.
Holloway.	Reader.
Hoskins.	Richardson.
Howsley.	Rountree.
Hubbard.	Sanders.
Hughes.	Satterwhite.
Jackson.	Savage.
Johnson	Scott.
of Dallam.	Shelton.
Johnson	Sherrill.
of Dimmit.	Smith of Wood.
Johnson of Morris.	Sparkman.
Jones of Shelby.	Stephens.
Jones of Atascosa.	Steward.
Justiss.	Strong.
Keller.	Sullivant.
Kennedy.	Tarwater.
Laird.	Terrell
Lee.	of Cherokee.
Lemens.	Terrell
Leonard.	of Val Verde.
Lilley.	Turner.
Long.	Van Zandt.
McCombs.	Veatch.
McDougald.	Wagstaff.
McGill.	Walker.
Magee.	Warwick.
Martin.	Weinert.
Mathis.	West of Coryell.
Metcalf.	West of Cameron.
Moffett.	Westbrook.
Morse.	Young.
Munson.	

Nays—8.

Bond.	Lockhart.
Dodd.	Rogers.
Elliott.	Towery.
Farmer.	Vaughan.

Present—Not Voting.

Wiggs.

Absent.

Adams of Harris.	McGregor.
Hatchitt.	Pope.
Hefley.	Smith of Bastrop.
Kayton.	Stevenson.
Lasseter.	Wyatt.

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Dale.	

The Speaker then laid House bill No. 25 before the House on its third reading and final passage.

The bill was read third time.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House bill No. 25 was then passed by the following vote:

Yeas—121.

Mr. Speaker.	Hughes.
Adams of Jasper.	Jackson.
Adamson.	Johnson
Adkins.	of Dallam.
Albritton.	Johnson
Alsup.	of Dimmit.
Anderson.	Johnson of Morris.
Baker.	Jones of Shelby.
Beck.	Jones of Atascosa.
Bedford.	Justiss.
Bounds.	Keller.
Boyd.	Kennedy.
Brice.	Laird.
Brooks.	Lee.
Bryant.	Lemens.
Burns of Walker.	Leonard.
Burns	Lilley.
of McCulloch.	Long.
Carpenter.	McCombs.
Caven.	McDougald.
Claunch.	McGill.
Coltrin.	Magee.
Cox of Lamar.	Martin.
Cox of Limestone.	Mathis.
Cunningham.	Metcalf.
Daniel.	Moffett.
Davis.	Morse.
DeWolfe.	Munson.
Donnell.	Murphy.
Dowell.	Nicholson.
Dunlap.	Olsen.
Duvall.	O'Quinn.
Dwyer.	Patterson.
Englehard.	Petsch.
Ferguson.	Ramsey.
Finn.	Ratliff.
Fisher.	Ray.
Forbes.	Reader.
Ford.	Richardson.
Fuchs.	Rountree.
Gilbert.	Sanders.
Giles.	Satterwhite.
Goodman.	Savage.
Graves.	Scott.
Greathouse.	Shelton.
Grogan.	Sherrill.
Hanson.	Smith of Wood.
Harrison	Sparkman.
of El Paso.	Stephens.
Herzik.	Stevenson.
Hill.	Steward.
Hines.	Strong.
Holder.	Sullivant.
Holland.	Tarwater.
Holloway.	Terrell
Hoskins.	of Cherokee.
Howsley.	Terrell
Hubbard.	of Val Verde.

Towery.
Turner.
Van Zandt.
Veatch.
Wagstaff.
Walker.

Warwick.
Weinert.
West of Coryell.
West of Cameron.
Westbrook.

Nays—14.

Akin.	Hardy.
Barron.	Harman.
Bond.	Lasseter.
Dodd.	Lockhart.
Elliott.	Rogers.
Farmer.	Vaughan.
Farrar.	Young.

Present—Not Voting.

Wiggs.

Absent.

Adams of Harris.	Kayton.
Harrison	McGregor.
of Waller.	Pope.
Hatchitt.	Smith of Bastrop.
Hefley.	Wyatt.

Absent—Excused.

Bradley.	Mehl.
Coombes.	Moore.
Dale.	

Reasons for Votes.

I vote "yea" on final passage of House bill No. 25, not because I believe it is a real conservation act, but is probably the best that can be passed at this Special Session of the Legislature.

SATTERWHITE.

I voted against this bill (No. 25) because, in my judgment, it contemplates price fixing in effect, which is contrary to good governmental policy and confers special privileges on some at the expense of others; and is probably in contravention of more than one constitutional safeguard. Practically all witnesses testified that an increase in the price of crude petroleum would automatically increase the price of gasoline to the consumer—at the rate of about one cent a gallon to every 20 cents a barrel advance on crude. Even had the witnesses been silent as to this, it is an inevitable law of trade. I do not consider the temporary low price of oil resulting from the flush overproduction of a great new pool, nor the unwise acts of some producers, a justification for revolutionary legislation of this kind. The ordinary laws of trade would soon remedy the evils of this situation. It would be well to also re-

member that all evidence before us showed that there is no overproduction of crude petroleum in the United States, but on the contrary, the general supply is less than in 1929 and 1930. It follows that this law is to relieve against a local condition; but its application is general, far-reaching, and, in my opinion, unsound and revolutionary. The injustice of this measure is manifested by the fact that it cannot raise the low prices of cotton, wheat, oats, etc., whose producers buy and use gasoline—artificially to be raised in price by this bill.

FARRAR.

IN COMMITTEE OF THE WHOLE HOUSE.

(Mr. Minor in the chair.)

On motion of Mr. Hardy, the House, at 5:05 o'clock p. m., resolved itself into a Committee of the Whole House for the purpose of considering bills relative to oil and gas conservation.

IN THE HOUSE.

(Mr. Minor in the chair.)

At 5 o'clock p. m., Mr. Minor, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress, and ask leave of the House to sit again at 9 o'clock a. m. tomorrow.

The Committee also reported the following proceedings:

The Chairman laid before the Committee of the Whole House, for consideration at this time, the following report of the subcommittee appointed to consider certain oil and gas conservation bills:

Austin, Texas, August 1, 1931.

Hon. Fred H. Minor, Chairman of the Committee of the Whole House:

Dear Sir: We, your committee appointed to consider and report to the House of Representatives in relation to all bills which had been heretofore introduced in the Legislature and referred to the Committee of the Whole House pertaining to the creation of a conservation commission, and defining its powers and duties, report as follows:

First: We recommend that the bill by Representative Laird, being House bill No. 24, be laid on the table subject to call.

Second: We recommend that House bill No. 26, by Representative Wagstaff, be passed and that the hereto attached bill be substituted for said Wagstaff bill.

Respectfully submitted,

WAGSTAFF,
DAVIS,
BECK,
MURPHY,
PETSCH.

H. B. No. 26, A bill to be entitled "An Act creating the Conservation Commission of Texas, with the purpose of consolidating certain departments, to be composed of three men; providing the qualifications of its members, their terms of office, their method of appointment, and their salaries; transferring from the Railroad Commission of Texas to the Conservation Commission of Texas all jurisdiction, powers, rights and authority heretofore conferred and all duties heretofore imposed upon the Railroad Commission of Texas and its members under Title 102, Revised Civil Statutes of 1925, Chapter 313, Acts of 1929, Forty-first Legislature, Chapter 36, Acts of 1930, Fifth Called Session of the Forty-first Legislature, and all laws of the State of Texas relating to the conservation of oil and gas, regulating gas utilities, pipe lines and common purchasers of oil; providing that orders, rules and regulations of the Railroad Commission of Texas heretofore made shall not be impaired by this act, but shall continue in effect; defining the powers and duties of said Commission; prohibiting the use of any part of the funds received from the tax levied by Article 6032, Revised Civil Statutes of 1925, by the Railroad Commission, or for the payment of any cost or expense hereafter incurred by the Railroad Commission, and transferring all unexpended appropriations from said funds from the Railroad Commission of Texas to the Conservation Commission of Texas; levying a tax of one-fifth (1-5) of 1 cent per barrel on all crude petroleum produced in this State for the administration of this law and other laws relating to conservation of oil and gas and for the payment of the salaries of the Conservation Commission; providing for the method of collecting said tax; repealing Article 6032, Revised Statutes of Texas; providing that the sum of \$2000 per annum shall be paid to each member of the Railroad Com-

mission out of the Motor Bus and Motor Carrier Funds, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby created the Conservation Commission of Texas. Said Commission shall administer any and all laws pertaining to the conservation of oil and gas as now provided for the Railroad Commission of Texas and as herein provided. And said Commission shall also have all the powers and duties now exercised by the Reclamation Engineer, the Board of Water Engineers, the State Mining Board, and the State Parks Board, from and after the date that the Legislature pass laws transferring the duties performed by the Reclamation Engineer, the Board of Water Engineers, the State Mining Board, and the State Parks Board to the Conservation Commission; and such Commission shall also exercise any and all control hereafter provided for the conservation of the soils of Texas. The Conservation Commission shall consist of three members, who shall be appointed by the Governor of the State of Texas, by and with the advice and consent of the Senate; each of said members shall be at least thirty (30) years of age; the members of this Commission, so appointed, shall serve for a period of two years from the effective date of this act; and, upon the expiration of their terms of office, the Governor shall appoint their successors, one of whom shall serve for a period of two years from the date of his appointment, one of whom shall serve for a period of four years from the date of his appointment, and the other shall serve for a period of six years from the date of his appointment. The Governor shall designate one of said members first appointed as Chairman of said Commission. The Commissioners appointed after the expiration of the two-year term of office shall thereafter select their own Chairman from time to time by majority vote, who shall serve until his successor be selected. All members of said Commission appointed after the expiration of the two-year term of office, as hereinbefore prescribed, shall serve for six years, with the exception of those who may be appointed for any unexpired term. The Governor shall by appointment fill all vacancies upon the Commission oc-

curing for any cause, and such appointee shall only serve for the unexpired term of his predecessor. All appointments shall be subject to confirmation by the Senate, as hereinbefore prescribed for the original Commissioners.

Sec. 2. The term "Commission" shall mean the Conservation Commission of Texas.

Sec. 3. Each member of said Commission shall receive an annual salary of seven thousand five hundred dollars (\$7500), which shall be paid out of the funds herein and hereafter provided. Said Commission shall have a seal in form as now used by the Railroad Commission of Texas except the words engraved thereon shall be "Conservation Commission of Texas."

Sec. 4. All of the jurisdiction, powers, rights and authority heretofore conferred and all duties heretofore imposed upon the Railroad Commission of Texas and its members under the provisions of Title 102 of the Revised Civil Statutes of 1925, the provisions of Chapter 313, Acts of 1929, Forty-first Legislature, the provisions of Chapter 36, Acts of 1930, Fifth Called Session of the Forty-first Legislature, and under all laws of the State of Texas relating to the conservation of oil and gas and the regulation of gas utilities, pipe lines and common purchasers of oil are hereby taken from the Railroad Commission of Texas and are hereby transferred to and conferred and imposed upon the Conservation Commission of Texas and its members to the same intent and purpose as though the words "Conservation Commission of Texas" were substituted for "Railroad Commission of Texas" or other designation for the latter wherever used in said laws. No rule, regulation or order of the Railroad Commission of Texas heretofore entered or promulgated pursuant to the provisions of said laws is or shall be in anywise impaired by the provisions hereof, but same shall continue in effect unless or until modified by the Conservation Commission of Texas or set aside by order of a court of competent jurisdiction.

Sec. 5. No part of the tax levied under the provisions of Article 6032, Revised Civil Statutes of 1925, shall be hereafter used by the Railroad Commission of Texas or for the pay-

ment of any cost of expense hereafter incurred by it. All unexpended appropriations heretofore made for such purpose shall be transferred from the Railroad Commission of Texas and be diverted to the Conservation Commission of Texas. There is hereby levied a tax of one-fifth ($\frac{1}{5}$) of one cent per barrel, of forty-two (42) standard gallons, of crude petroleum produced within this State, which shall be in addition to and collected in the same manner as the present gross receipts production tax on crude petroleum. Producers of crude petroleum are hereby required to make reports of production in the same manner and under the same penalties as for the gross production tax. The tax thus collected shall be paid into the State Treasury as other revenue, and shall be paid out on warrants as other State funds. The funds derived from this tax shall be used for the administration and enforcement of this law (including costs of court and other necessary expenses) and the laws mentioned and referred to herein. Any yearly excess of the tax over and above the requirements of the Commission shall become a part of the general revenue of the State and any deficiency shall be made up out of the general revenue of the State. Article 6032 of the Revised Statutes of 1925 is hereby repealed.

Sec. 6. In addition to the employees heretofore authorized to the Railroad Commission of Texas by the appropriation bills heretofore passed, the Conservation Commission is empowered to employ such additional supervisors, technical advisors, and other assistants as may be needed to carry out the provisions of this law; and said Commission is hereby authorized to pay such salaries as in its judgment may be deemed necessary and proper, subject to limitations which may be set forth in appropriation bills from time to time. And it is expressly provided that no employee of the Conservation Commission shall receive any compensation for his services from any source other than the salary allowed him under the direction of the Commission.

Sec. 7. This act shall be cumulative of all laws of the State of Texas not inconsistent herewith, relative to crude petroleum oil and natural gas.

Sec. 8. If any of the sections, clauses or any provisions of this act or of any other act referred to by this

act shall be held to be unconstitutional, or otherwise invalid or unenforceable, such holding shall not have the effect of nullifying or in anywise affecting the remainder of this act and the parts of this act not so held to be unconstitutional or invalid shall remain in full force and effect.

Sec. 9. In lieu of the salaries heretofore received by the members of the Railroad Commission from the oil and gas taxes collected under Article 6032, Revised Civil Statutes of 1925, the members of said Commission shall receive such salaries out of the motor bus and truck funds of this State and such portions of said funds as are necessary to pay such salaries are hereby appropriated for such purpose.

Sec. 10. The fact that the Railroad Commission of Texas is badly overworked in the administration of the transportation laws of this State creates an emergency and an imperative public necessity that the constitutional rule which requires bills to be read on three several days be suspended, and that this act shall be in force and take effect from and after its passage, and it is so enacted.

At 5 o'clock p. m., Mr. Donnell moved that the Committee rise, report progress, and ask leave of the House to sit again at 9 o'clock a. m. tomorrow.

The motion prevailed.

(Signed) FRED H. MINOR,
Chairman of the Committee of
the Whole House.

BILL ORDERED NOT PRINTED.

On motion of Mr. Fuchs (by unanimous consent), House bill No. 13 was ordered not printed.

ADJOURNMENT.

On motion of Mr. Morse, the House, at 5:15 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

Revenue and Taxation: House bill No. 41.

Appropriations: House concurrent resolution No. 9.

Committee of the Whole House:
House bills Nos. 25 and 19.

Agriculture: House bill No. 13.

The Committee on Revenue and
Taxation filed an adverse report on
House bill No. 38.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, August 5, 1931.

Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 30, A bill to be entitled
"An Act creating a closed season on
wild deer, buck, doe, and fawn, for a
period of five years in the counties of
Harrison, Marion, Red River, Bowie,
Cass, Morris and Titus, in the State
of Texas; making it unlawful for any
person to hunt, trap, ensnare, kill or
attempt to kill, by any means what-
soever, any wild deer, buck, doe, or
fawn, within said counties for a pe-
riod of five years; providing a penal-
ty therefor, and declaring an emer-
gency,"

Have carefully compared same and
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, August 5, 1931.

Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 37, A bill to be entitled
"An Act amending House bill No. 943,
passed at the Regular Session of the
Forty-second Legislature of the State
of Texas, being Chapter 159, page
311, of the Special Laws of the State
of Texas; repealing all laws in con-
flict with said act, and declaring an
emergency,"

Have carefully compared same and
find it correctly engrossed.

JUSTISS, Chairman.

THIRTEENTH DAY.

(Thursday, August 6, 1931.)

The House met at 9 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Minor.

The roll was called, and the follow-
ing members were present:

Mr. Speaker. Adams of Jasper.
Adams of Harris. Adamson.

Adkins.	Hubbard.
Akin.	Hughes.
Albritton.	Jackson.
Alsup.	Johnson
Anderson.	of Dallam.
Baker.	Johnson
Barron.	of Dimmit.
Beck.	Johnson of Morris.
Bedford.	Jones of Shelby.
Bond.	Jones of Atascosa.
Bounds.	Justiss.
Boyd.	Keller.
Brice.	Kennedy.
Brooks.	Laird.
Bryant.	Lee.
Burns of Walker.	Lemens.
Burns	Leonard.
of McCulloch.	Lilley.
Carpenter.	Lockhart.
Caven.	McCombs.
Claunch.	McDougald.
Coltrin.	McGill.
Cox of Lamar.	Magee.
Cox of Limestone.	Mathis.
Cunningham.	Mehl.
Daniel.	Metcalfe.
Davis.	Moffett.
DeWolfe.	Morse.
Dodd.	Munson.
Donnell.	Murphy.
Dowell.	Nicholson.
Dunlap.	Olsen.
Duvall.	O'Quinn.
Dwyer.	Patterson.
Elliott.	Petsch.
Engelhard.	Ramsey.
Farmer.	Ratliff.
Farrar.	Ray.
Ferguson.	Reader.
Finn.	Richardson.
Fisher.	Rogers.
Forbes.	Rountree.
Ford.	Sanders.
Fuchs.	Satterwhite.
Gilbert.	Savage.
Giles.	Scott.
Goodman.	Shelton.
Graves.	Sherrill.
Greathouse.	Smith of Wood.
Grogan.	Sparkman.
Hanson.	Stephens.
Hardy.	Steward.
Harman.	Strong.
Harrison	Sullivant.
of El Paso.	Tarwater.
Harrison	Terrell
of Waller.	of Cherokee.
Hatchitt.	Terrell
Hefley.	of Val Verde.
Herzik.	Towery.
Hill.	Turner.
Hines.	Van Zandt.
Holder.	Vaughan.
Holland.	Veatch.
Holloway.	Wagstaff.
Hoskins.	Walker.
Howsley.	Warwick.